

Serial No. 10/695,453
Docket No. T36-159874M/RS
(NGB.322)

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REMARKS

Further to the Request for Continued Examination and Request for Reconsideration filed on November 10, 2005, and the Statement of Substance of Interview filed on December 30, 2005, please amend the above-identified application as follows, prior to issuing a first Office Action after RCE:

Claims 1-3 and 7-24 are all the claims presently pending in the application.

Claims 11-21 and 23 are allowed and claims 2, 7-10, and 22 would be allowable if rewritten in independent form. However, Applicant submits that all of the pending claims are patentable over the prior art of record, for at least the following reasons.

While Applicant believes that all of the claims are patentable over the prior art of record, to speed prosecution, independent claim 1 is amended to define more clearly and particularly the features of the present invention. New claim 24 also is added to provide more varied protection for the present invention. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant submits that Nomoto does not disclose or suggest all of the features of independent claim 1, or dependent claims 3 and 24.

Instead, as the Examiner pointed out in the personal interview conducted on December 14, 2005, Nomoto discloses "transition layers 5a and 5b may be made of metal such as Ti or Nb respectively" (see Nomoto at column 10, lines 36-37).

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However, when read in the context of the entire sentence, column 10, lines 34-37, of Nomoto discloses:

Furthermore, the barrier layers 4a, 4b, 4c, and 4d may be made of an insulator such as TiO_x or NbO_x, and the transition layers 5a and 5b may be made of metal such as Ti or Nb respectively.

That is, Nomoto inserts an insulator between the conduction layer (or substrate) and the transition layer. Such structure also is clearly shown in Figures 11A and 11B of Nomoto (i.e., conduction layer or substrate 1 / insulator 4a / transition layer 5a).

On the other hand, as shown in Figure 6 of the present application, the claimed invention provides the film, which includes a polycrystalline metal including a transition metal, on the Group III nitride compound semiconductor layer without inserting the insulator therebetween.

Further, the transition metal of the claimed invention is directly disposed on (or, is in contact with) the Group III nitride compound semiconductor layer.

Turning to the claims, independent claim 1 recites an electrode for a p-type Group III nitride compound semiconductor layer, including:

*a film including a polycrystalline metal disposed on said Group III nitride compound semiconductor layer,
wherein said polycrystalline metal comprises a transition metal* (emphasis added).

On the other hand, dependent claim 24 recites, *inter alia*, that the “film is disposed directly on said p-type Group III nitride compound semiconductor layer” (emphasis added).

Applicant submits that Nomoto clearly does not disclose or suggest at least “*a film including a polycrystalline metal disposed on said Group III nitride compound semiconductor layer*”, as recited in claim 1, or for that matter, that the “film is disposed

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directly on said p-type Group III nitride compound semiconductor layer", as recited in claim 24.

For the foregoing reasons, independent claim 1 clearly is patentable over Nomoto.

Moreover, dependent claims 3 and 24 also are patentable over Nomoto by virtue of their dependency from claim 1, as well as for the additional features recited therein.

The Examiner is requested to reconsider and withdraw the rejection of claims 1 and 3, and to permit claims 1, 3, and 24 to pass to immediate allowance.

In view of the foregoing, Applicant submits that claims 1-3 and 7-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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No fees are believed to be necessary. However, the Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Supplemental Preliminary Amendment under 37 C.F.R. § 1.114 to Examiner Alexander O. Williams, Art Unit 2826, on January 24, 2006.


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